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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Schwartzman et al.	Attorney Docket No.: CISCP236/4198
Application No.: 09/965,525	Examiner: Shannon, M.
Filed: September 26, 2001	Group: 2614
Title: METHODS AND APPARATUS FOR ALLOWING COMPONENT INTERCHANGEABILITY	

CERTIFICATE OF FACSIMILE TRANSMISSION:
I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, Commissioner for Patents, Attn: Examiner Shannon, Fax No. (571) 273-8300, Alexandria, VA 22313-1450 on: 10/19/06
Signed: Joyce A. Ferreira

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No 09/965,525 amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated below.

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REMARKS

I am the attorney or agent acting under 37 CFR 1.34

Claims 1-40 are pending. Claims 2 and 19 were objected to because of informalities. Claims 2 and 19 have been amended to correct informalities. Claims 1-40 including independent claims 1, 10, 18, 27, 30, and 33 were rejected under 35 U.S.C. 102(e) as being anticipated by Suan (USP 6,724,440). The independent claims 1, 10, 18, 27, 30, and 33 are believed allowable over Suan. Nonetheless, independent claims 1, 10, 18, 27, 30, and 33 have been amended to facilitate prosecution. Claims 1, 10, 18, and 33 have been amended to recite allowing an operating system to "report characteristics to an upstream device." Claims 27 and 30 have been amended to recite allowing an operating system "to account for power characteristics and drive the tuner to transmit at a desired power level."

Suan describes a tuner for "receiving" a video broadcast. The tuner may be "implemented on a chassis of a receiver without modification." Suan only describes a tuner for "receiving" signals, such as in a "video satellite" receiver. No tuner for transmitting signals is taught or suggested. No power levels are adjusted to transmit signals and not data is sent upstream or reported to an any upstream device.

By contrast, independent claims 1, 10, 18, and 33 have been amended to recite allowing an operating system to "report power characteristics to an upstream device." This amendment is supported in language associated with Figure 8. More specifically, "A cable modem operating system typically takes into account power characteristics such as saturation during upstream power reporting. At 5 dB, the actual output power level is close to the expected 35 dBmV power level at 803. However, at 10 dB, the actual output power level at 805 is substantially different than the expected power output of 50 dBmV at 807. As will be appreciated by one of skill in the art, a variety of power characteristics may be reported to a cable modem termination system. Some examples of power characteristics are amplifier power saturation, amplifier frequency rolloff, attenuation by power, and attenuation by frequency. A cable modem operating system can take into account power characteristics stored in a nonvolatile memory associated with the tuner to allow accurate reporting to a cable modem termination system." Suan does not teach or suggest reporting any characteristics to any cable modem termination system.

Independent claims 27 and 30 have been amended to recite allowing an operating system "to account for power characteristics and drive the tuner to transmit at a desired power level."

This amendment is also support in description associated with Figure 8. More specifically, "Alternatively, the cable modem operating system can also use power characteristics to more efficiently and effectively reach a desired signal power level. For example, the cable modem can use rolloff characteristics to adjust the signal power level to more closely correspond with an expected signal power level. If the desired signal power level is 35 dBmV at 60 MHz, the cable modem tuner may be instructed to send a signal of 37 dBmV in order to actually transmit a desired signal power level of 35 dBmV." Suan does not teach or suggest accounting "for power characteristics" to drive "the tuner to transmit at a desired power level." In fact, Suan does not even teach or suggest a tuner that transmits. Suan only describes a tuner that receives.

In light of the above remarks above, all independent claims and associated dependent claims are believed allowable for at least the reasons noted above. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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APPENDIX OF INDEPENDENT PENDING CLAIMS

1. (Currently Amended) A method for an operating system to operate a system component, the operating system configurable to drive a plurality of system components, the method comprising:

identifying a component;

obtaining parameter information comprising power characteristics of the component from nonvolatile memory;

characterizing the component using the parameter information, wherein the characterization allows the operating system to operate the identified component and report ~~report~~ power characteristics to an upstream device.

10. (Previously Presented) A system having interchangeable components, the system comprising:

means for identifying a component;

means for obtaining parameter information comprising power characteristics of the component from nonvolatile memory;

means for characterizing the component using the parameter information, wherein the characterization allows a cable modem operating system to operate the identified component and report power characteristics to an upstream device.

18. (Previously Presented) A computer program product comprising computer code for an operating system to operate a system component, the operating system configurable to drive a plurality of system components, the computer program product comprising:

computer code for identifying a component;

computer code for obtaining parameter information comprising power characteristics of the component from nonvolatile memory;

computer code for characterizing the component using the parameter information, wherein the characterization allows the operating system to operate the identified component and report power characteristics to an upstream device.

27. (Previously Presented) A method for a cable modem operating system to drive a tuner, the operating system configurable to drive a plurality of different tuners, the method comprising:

obtaining parameter information associated with a tuner from a nonvolatile memory;

characterizing the tuner using the parameter information, wherein the characterization allows the cable modem operating system to account for power characteristics and drive the tuner to transmit at a desired power level.

30. (Previously Presented) A cable modem comprising:

a tuner;

a nonvolatile memory operable to provide power characteristics associated with the tuner to a cable modem operating system, wherein the cable modem operating system uses the power to drive the tuner to transmit at a desired power level.

33. (Previously Presented) A cable modem comprising:

a tuner;

nonvolatile memory containing parameter information associated with the tuner, wherein the parameter information is provided to an operating system to allow the operating system to report power characteristics to an upstream device.